

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following remarks is respectfully requested.

Claims 1, 4, 7, 8, 10, 11, 14, 17, 18 and 20 are presently active in this application. Claims 1, 4, 7, 11, 14 and 17 are amended by the present amendment to place the claims in compliance with the written description requirement. Thus, no new matter is added.

In the Office Action, Claims 1, 4, 7, 11, 14 and 17 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement; Claims 1, 4, 7, 8, 10, 11, 14, 17, 18 and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over Wojcik et al. (U.S. Pat. No. 5,666,493, herein "Wojcik") in view of De Le Motte (U.S. Pat. Pub. No. 2005/0108140).

With respect to the rejection to Claims 1, 4, 6, 11, 14 and 17 under 35 U.S.C. §112, first paragraph, Claims 1, 4, 6, 11, 14 and 17 are amended to overcome the rejection. Specifically, Claims 1, 4, 6, 11, 14 and 17 are amended to replace the term "judgment data" with "information data" at term supported in the specification, at least, on page 8, lines 5-21.. Accordingly, Applicants respectfully request that the rejection of Claims 1, 4, 6, 11, 14 and 17 under 35 U.S.C. §112, first paragraph, be withdrawn.

Before discussing the outstanding grounds for rejection in detail, it is believed that a brief review of the background of the invention would be helpful. In the manufacture of semiconductor devices, as a mask pattern is downsized, the defect specifications become stricter and the yields of mask products become lower. As a result, a sequence of mask manufacture, mask examination, and mask re-manufacture is sometimes repeated at a mask manufacturer side. It follows that, delivery dates to a mask buyer cannot be known because of the uncertainty arising as to the necessity of mask re-manufacture, and furthermore, if a

mask manufacturer produces goods with too many defects, the re-manufacture process occupies manufacturing resources without generating additional profit.

However, even if a mask product does not satisfy certain defect specifications, the mask product may be useful for the mask buyer. For example, in the case of process condition setting (condition selection), a mask product having considerable defects can be used. Further, for example, in the case of a mask for a memory device, a mask product can be used, as long as the number of defects expected to be generated on the device by use of the mask product is within a range that can be covered by the redundancy area of the memory device. However, in this latter case, the number of defects is greatly changed by the manufacturing conditions (such as cleanliness) of the process field in which the mask product is used. Accordingly, it depends on the mask buyer's circumstances whether a manufactured mask product is useful or not on the mask buyer side.

Claim 1 recites, in part,

an examination data transmitting section configured to transmit information data to the mask buyer through the purchase mediating section, the information data including a coordinate position and a dimension of a defect generated in the mask product retrieved from the examination data; and

a purchase selecting section configured to allow the mask buyer, through the purchase mediating section, to select, on the basis of the information data, whether to buy the mask product or not, the purchase selecting section including a portion configured to allow the mask buyer, through the purchase mediating section, to input a desired purchase price of the mask product.

Claim 11 recites similar features.

The examination data transmitting section and the purchase selecting section recited in Claim 1 are provided to solve the problem described above. First of all, it is desirable to select and transmit the information data (including a coordinate position and a dimension of a defect generated in the mask product) wherein the mask buyer can judge whether the mask product is useful or not to the mask buyer (this corresponds to the examination data

transmitting section). Without this information, the buyer would not be able to make a judgment. Second, it is desirable to allow the mask buyer to take the initiative in determining the price of the defective mask product and to input this price into the system, enabled in the purchase selecting section. These two features recited in Claim 1 provide advantageous functionality and clearly must be considered as part of the evaluation of Applicants' invention "as a whole."

Further with regard to the purchase selecting section, the outstanding Office Action states on page 7, second paragraph, that De La Motte discloses the value of a product being determined by a buyer. However, De La Motte is clearly arranged to make the prices of products objectively determined by a third person. This completely differs from the concept recited in Claim 1 which enables the mask buyer to take the initiative in determining the prices of the mask product having a defect and to input this determined price into the system.

In other words, in De La Motte, the value of the product is determined by the independent, quality-control measurement organization, while in the claimed invention the value of the product is determined by the buyer alone (as only he knows if a defective product might be useful or not). Buyers negotiating using a rating from a third person is not equivalent to the functionality provided by the purchase selecting section recited in Claim 1.

Thus, Applicants respectfully submit that Claim 1 and similarly Claim 11 and claims depending therefrom patentably distinguish over Wojcik and De La Motte considered individually or in any combination.

Consequently, in view of the deficiencies of the prior art above discussed, reconsideration and withdrawal of the outstanding grounds for rejection is believed to be in order and is respectfully requested. An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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